IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

Crl.Rev.Pet.No. 2681 of 2007()

MC.57/2006 of JUDL.MAGISTRATE OF FIRST CLASS COURT, OTTAPPALAM

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REVN. PETITIONER: ACCUSED

ACUTHANANDAN,
S.I. OF POLICE,
SREEKRISHANAPURAM.

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH

RESPONDENTS: COMPLAINANT

STATE REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Crl.R.P. No. 2681 of 2007

Dated: 7-8-2007

ORDER

The revision petitioner who was the Sub Inspector of Police, Sreekrishnapuram was directed by the J.F.C.M., Ottappalam on 12-1-2006 to depute a police constable for taking the thondi article in Crime No. 212 of 2005 to the Chemical Examiner at Ernakulam. He was similarly directed on 3-5-2005 to depute a police constable on 8-5-2006 for taking the thondi article in Crime No. 217 of 2005 of Sreekrishnapuram Police Station to the Chemical Examiner at Ernakulam. Since there was no compliance of those orders by the petitioner, the learned Magistrate initiated proceedings against him as M.C. 57 of 2006 as prima facie it appeared to the Magistrate that the revision petitioner had committed an offence punishable under Section 41 (d) of the Kerala Police Act.

2. According to the petitioner there was no wilful non-compliance by him of the directions by the Magistrate. He would have it that he was posted on duty in connection with the State Assembly election coupled with the visit of the President of India and the President of the Indian National Congress Party, that

constables had been deputed for election duty as well, that on 29-04-2006 police men were deputed for guard duty at the Sreekrishnapuram Higher Secondary School where the polling machines were kept and that the learned Magistrate was informed that police constables shall be sent after 11-5-2005 i.e. on the date of announcement of the result of the election.

3. This Court ascertained from the J.F.C.M. Ottappalam as to whether the petitioner had subsequently complied with the directions of the Magistrate to forward the material objects to the Chemical Examiner. As per letter dated 3-8-2007 the learned magistrate has reported that the petitioner had subsequently complied with the directions of the Magistrate. In as much as there is nothing to indicate any contumacious conduct on the part of the petitioner or that he had wilfully disobeyed the directions of the learned Magistrate, the proceedings in M.C. 57/06 on the file of the J.F.C.M., Ottappalam are dropped.

This Revision Petition is allowed as above.

V. RAMKUMAR, JUDGE.

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